IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.8983/05

Bachan Singh **Versus** State & Ors.

DATE OF ORDER :: 09/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Ajay Gupta, for petitioner
Mr. B.K. Sharma, Dy.G.A.

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The dispute raised in instant petition is that petitioner while holding the post of Sub-Inspector [Wireless], was not granted the pay scale which was introduced vide notification dt.26th March, 1998 [Ann.2] made effective w.e.f. 1st March, 1998.

Petitioner was initially appointed as Constable in September, 1964 and thereafter, was promoted as Head Constable and Assistant Sub-Inspector and so also Sub-Inspector on 14th April, 1998 and retired from service on attaining the age of superannuation on 31st July, 2001.

Post of Sub-Inspector [Wireless] is also included in the Schedule appended to Rajasthan Police Subordinate Service Rules, 1989 and pay scale of employees, particularly, Sub-Inspectors of Rajasthan Police Subordinate Service Rules was amended vide notification dated 26th March, 1998 from 5000-8000 to 5500-9000.

Earlier grievance by similarly situated was raised before this court that they being the employees of Police Department holding the post of Sub-Inspector are entitled for revision in pay scale which has been made applicable to holder of Sub-Inspector Police vide notification dt.26th March, 1998, but the plea of respondent-State was that telecommunication is a separate wing and they are not covered under the notification dt.26th March, 1998, but the matter has been referred to Finance Department for their consideration.

This court had an occasion to examine the controversy at the Main Seat at Jodhpur in C.W. No.1367/03, decided on 12th July, 2006 wherein it was observed that no distinction can be made amongst the employees who are members of Police Subordinate Service Rules, 1989 and even no distinction has been made under notification dated 26th March, 1998 segregating the telecommunication wing from revision in pay scale applicable amongst employees of the Police Subordinate Service Rules, 1989 and finally directed the Government to give benefit of revised pay scale 5500-9000 to petitioner concerned.

In the light of aforesaid judgment, C.W. No.5556/05, Ashok Kumar & Ors. Vs. State of Rajasthan & Ors., decided on 9th November, 2006 was also decided by this court.

In view of controversy decided by this court, the dispute does not remain res integra any further for adjudication.

Consequently, the writ petition stands allowed. Respondents are directed to fix the petitioner in revised pay scale of 5500-9000 in terms of notification dt.26th March, 1998 and consequential benefits flowing thereof be computed and paid to him within three months. No order as to costs.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.